

NUTRI018RA

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark F. McCarty  
Appl. No. : 09/912,472  
Filed : July 24, 2001  
For : CHROMIUM/BIOTIN  
TREATMENT OF TYPE II  
DIABETES  
Examiner : Rebecca Cook  
Group Art Unit : 1614

SUPPLEMENTAL DECLARATION OF INVENTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:

As the below named Applicant, I hereby declare that:

My residence, Post Office Address, and Citizenship is as stated below next to my name.

I believe that I am the original and first inventor of the invention described and claimed in U.S. Patent No. 5,929,066, granted on July 27, 1999, and the above-identified reissue patent application filed on July 24, 2001 as reissue application number 09/912,472, and was amended on January 30, 2002, April 6, 2005, and October 14, 2005.

I have reviewed and understand the contents of the above-identified specification including the claims as amended by any amendment referred to above, as well as the claims of U.S. Patent No. 5,929,066.

I acknowledge the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 C.F.R. §1.56.

I believe that my original U.S. Patent No. 5,929,066, is wholly or partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent. Specifically I requested reissue of the U.S. Patent No. 5,929,066 in order to add Claims 11 and 12, which do not require both a reduction in hyperglycemia and stabilization of

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serum glucose level in an individual. Additionally, Applicant requested reissue of U.S. Patent No. 5,929,066 in order to add Claims 12-22 and 24 that exclude compositions having other active blood glucose serum ingredients. Claims 23 and 24 provide ranges of chromium as chromic tripicolinate and biotin selected together to provide a greater than additive effect.

All errors being corrected in the above-identified reissue application up to the time of signing this declaration, arose without any deceptive intention on the part of the Applicant.

I hereby confirm that the claims of the above-identified reissue patent application, as filed and as amended through prosecution, define the invention. Furthermore, I attest that a reissue is appropriately based on these claims.

I declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 2-8-06

By: 

Mark F. McCarty

Citizenship: United States

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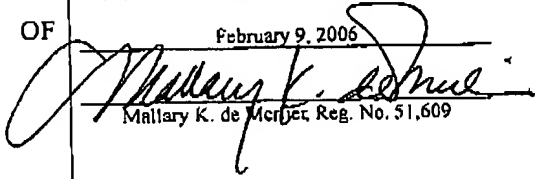
**CUSTOMER NO. 20995**

Applicant : Mark F. McCarty  
App. No. : 09/912,472  
Filed : July 24, 2001  
For : CHROMIUM/BIOTIN TREATMENT OF  
TYPE II DIABETES  
Examiner : Cook, Rebecca  
Group Art Unit : 1614

**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

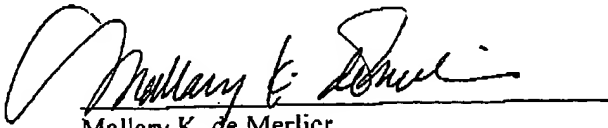
February 9, 2006

  
Mallery K. de Merlier Reg. No. 51,609

Transmitted herewith for filing and consideration in the above-referenced application are the following items:

- (X) Supplemental Declaration of Inventor in 2 pages.
- (X) The present application qualifies for Small Entity status under 37 CFR § 1.27.
- (X) A 2-Month Extension of time is hereby requested by payment of the appropriate fee indicated below.
- (X) Please charge the total fees due in the amount of \$225 (Fee Code 2252) to Deposit Account No. 11-1410.
- (X) Total pages in transmission: 3

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

  
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